

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims**

1-17. (Canceled)

18. (currently amended) A system for performing a fixation procedure at a spinal location within a patient, comprising:

at least two fasteners adapted to be fixed to two adjacent vertebrae;

an elongate body having a proximal end and a distal end and defining a length between the proximal and distal ends such that the proximal end can be positioned outside the patient and the distal end can be positioned inside the patient adjacent the spinal location, the elongate body ~~including~~ having an outer surface and an inner surface, the inner surface defining a passage extending between the proximal and distal ends sized to permit passage of the at least two fasteners therethrough; and

a fixation element sized to pass through the passage of the elongate body and configured to engage the at least two fasteners;

wherein the elongate body is actuatable between a first configuration sized for insertion into the patient and a second configuration wherein the cross-sectional area of said passage at a first location is greater than the cross-sectional area of said passage at a second location, wherein the first location is distal to the second location; wherein the cross-sectional area of said passage at said first location is sized to permit visualization of two fasteners fixed to two adjacent vertebrae; wherein the elongate body is configured such that the passage provides unobstructed access from the proximal end to the distal end when in the second configuration.

19. (previously presented) The system of Claim 18, wherein the first location is at the distal end of the elongate body.

20. (previously presented) The system of Claim 18, wherein a distal portion of the elongate body is expandable.

21. (previously presented) The system of Claim 18, wherein the elongate body comprises a first tubular portion and a second expandable portion.

22. (previously presented) The system of Claim 18, wherein the at least two fasteners are threaded.

23. (previously presented) The system of Claim 18, wherein the at least two fasteners comprise pedicle screws.

24. (canceled)

25. (previously presented) The system of Claim 18, wherein the fixation element comprises a rod.

26. (previously presented) The system of Claim 18, further comprising an endoscope adapted to be held relative to the elongate body.

27. (currently amended) A system for performing a fixation procedure at or near the spine of a patient, said system comprising:

an access device adapted to define a passage from a location outside of the patient to a location at or near the spine of the patient, the access device being at least partially actuatable between a first configuration and a second configuration, wherein the passage of the access device in the second configuration has a cross-sectional area at a first location that is greater than the cross-sectional area of said passage at a second location, wherein the first location is distal to the second location; and

a vertebral fixation assembly configured to fix two adjacent vertebrae, the vertebral fixation assembly adapted to be delivered through the passage of the access device, the vertebral fixation assembly comprising a plurality of vertebral screws and a fastener adapted to engage each of the vertebral screws;

wherein the cross-sectional area at the first location is sized to permit visualization of two or more screws fixed to at least two adjacent vertebrae;

wherein the access device is adapted to be actuated from the first configuration to the second configuration with an application of force to an inner surface of the passage, the access device adapted to remain in the second configuration upon removal of said force.

28-29. (canceled)

30. (previously presented) The system of Claim 27, wherein the fastener is a rod.

31. (previously presented) The system of Claim 27, further comprising a viewing device adapted to be held relative to the access device.

32. (previously presented) The system of Claim 27, wherein the access device includes a distal portion that is expandable.

33. (currently amended) A system for performing a fixation procedure at a spinal location within a patient, said device comprising:

an access device having a proximal end and a distal end and a length defined between the proximal and distal ends such that the proximal end can be positioned outside the patient and the distal end can be positioned inside the patient adjacent the spinal location, wherein the access device includes a passage extending there through, the access device being expandable from a first configuration to a second configuration, wherein the passage of the access device in the second configuration has a cross-sectional area at the distal end of the device that is greater than a cross-sectional area at the proximal end of the device, said passage being sized for delivery of instruments to perform the procedure at the spinal location, the access device being configured to expand to the second configuration with an expansion tool positioned in the passage, the access device configured to remain in the second configuration upon removal of the expansion tool from the passage;

at least two threaded fasteners sized for delivery through said passage at least when the access device is in its second configuration, the fasteners being configured to be fixed to adjacent vertebrae, wherein said cross-sectional area at the distal end of the device in the second

configuration is sized to permit visualization of the at least two threaded fasteners fixed to at least two adjacent vertebrae; and

a fixation element sized for delivery through the passage of the access device.

34. (previously presented) The system of Claim 33, wherein the shape of the access device when expanded is at least partially conical.

35. (previously presented) The system of Claim 33, wherein the access device comprises a first tubular portion and a second expandable portion.

36. (previously presented) The system of Claim 33, wherein the at least two threaded fasteners comprise pedicle screws.

37. (canceled)

38. (previously presented) The system of Claim 33, wherein the fixation element comprises a rod adapted to engage said at least two threaded fasteners.

39. (previously presented) The system of Claim 33, further comprising a locking member adapted to hold the fixation element relative to the threaded fasteners.

40. (previously presented) The system of Claim 33, wherein the threaded fasteners include a convex engagement surface at a proximal end thereof.

41. (previously presented) The system of Claim 40, further comprising a washer adapted to engage the convex engagement surface of the threaded fasteners.

42-45. (canceled)

46. (previously presented) The system of Claim 18, wherein the elongate body defines a substantially enclosed passage at least in its reduced configuration.

47. (previously presented) The system of Claim 27, wherein the access device defines a circular cross-section at least in its reduced configuration.

48. (previously presented) The system of Claim 33, wherein the access device defines a circular cross-section at least in its reduced configuration.